

REMARKS

The Office examined claims 1-17 and rejected same. With this paper, claims 1, 8-10, 12, 14 and 16 are amended, none are added and none are canceled.

Claim Rejections under 35 USC §101

Claims 8 and 9 are rejected under 35 USC §101 as being directed to non-statutory subject matter. With this paper, claims 8 and 9 are amended according to Examiner's suggestions.

Claim Rejections under 35 USC §102

Claims 1-17 are rejected under 35 USC §102(e) as being anticipated by Lorello *et al.* (U.S. Patent No. 6,459,904, Lorello hereinafter).

A method as recited in claim 1 is a communication procedure between a service center (SC) and a short message service center (SMSC) in a cellular network. In order to determine whether to deliver a communication (such as a short message) to a mobile terminal device, the SC queries the SMSC to obtain attainability status of the mobile terminal device. The SMSC responds to the query by evaluating connection related data stored in the SMSC, wherein the connection related data is related to messages pending for delivery to the mobile terminal device. If the mobile terminal is attainable, the SC delivers the communication to the SMSC, which, in turn, delivers the communication to the mobile terminal device.

As it can be seen from the above, the purpose of the procedure is to obtain attainability status of the mobile terminal device prior to delivering a message to the mobile terminal device. The actually message is not delivered from the SC to the SMSC if the mobile terminal device is not attainable.

The method of Lorello is similar to what is described as prior art in the instant application. In Lorello, the SMSC receives a short message intended for a subscriber from a source of short message (col. 4, lines 1-2). Upon receiving a short message, the SMSC sends a request for routing information to the HLR (col. 4, lines 4-6). Therefore, Lorello explicitly teaches that a short message is delivered to the SMSC, regardless of whether the subscriber is attainable or not. Consequently, whether or not the subscriber is available for receiving the message is found out by the SMSC sending a request for routing information. If the subscriber is not available, the SMSC retains the failed message for a later delivery attempt (col. 4, lines 24-31).

The present invention differs from Lorello in that a message is not delivered to the SMSC if the mobile terminal device is not attainable. In the present invention, whether or not the mobile terminal device is attainable is found out by the SC by providing a query to the SMSC to obtain attainability status of the mobile terminal. This query is not the actual message itself. As the Applicant explained in the application, by only delivering messages to the mobile terminal devices that are attainable, instead of attempting deliveries to all mobile terminal devices, the amount of data sent can be reduced dramatically and the resources used can be minimized (page 1, line 31 to page 2, line 4). Lorello does not teach such a querying by the SC, he teaches a querying by the SMSC.

With this paper, independent claims 1, 10, 12, 14 and 16 are amended in such a way that the features of the invention are clarified and distinguished with the prior art.

Accordingly, claims 1-17 are not anticipated by Lorello. Applicant respectfully requests the rejections under USC §102(e) be reconsidered and withdrawn.

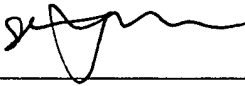
Conclusion

For all the foregoing reasons, it is believed that all of the claims in the instant application are allowable, and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Nov. 27, 2006
Date

Ware, Fressola, Van Der Sluys & Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224
Telephone: (203) 261-1234
Customer No.: 004955

Respectfully submitted,



Shiming Wu
Agent for the Applicant
Registration No. 56,885